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Report of the Working Group on the Universal Periodic Review*

Bahrain

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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1. The Kingdom of Bahrain aspires to step up and continue its efforts to promote and protect human rights through cooperation with partners and stakeholders at the national level and constructive cooperation with the Human Rights Council, the universal periodic review mechanism, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other relevant international mechanisms and organizations.

2. The universal periodic review mechanism deserves support for the achievement of its objectives based on the principles that govern the Council's work, namely dialogue, objectivity and non-selectivity.

3. Bahrain carefully reviewed the 175 recommendations made during the third cycle of the universal periodic review in May 2017.

4. Support for a recommendation means that it has been implemented, that it is currently being implemented or that it can be implemented. Many of the recommendations have in fact been implemented and Bahrain will strive to implement the others.

5. Taking note of a recommendation means that it may be incompatible with the application of Islamic sharia, that it conflicts with national legislation, or that it requires further study. Some such recommendations could be partially accepted.

6. A total of 139 recommendations were supported, and note was taken of 36 recommendations.

7. The following recommendations are supported:

(a) 114.79, 114.80, 114.81, 114.82, 114.87, 114.94, 114.130, 114.167.

The Special Investigation Unit in Bahrain investigates serious complaints filed with it pursuant to Attorney General Decision No. 8 of 2012, including allegations of torture, with a view to determining the criminal responsibility of the perpetrators of such infringements in cases of death, torture or inhuman or degrading treatment, in accordance with the Istanbul Protocol.

(b) 114.100, 114.102, 114.112, 114.127, 114.128.

Articles 19 and 20 of the Constitution of Bahrain guarantee personal liberty in accordance with the law and stipulate that no crime shall exist and no penalty shall be imposed save in accordance with the law. Bahrain takes steps to drop all charges that interfere with the right to freedom of opinion and expression, for instance charges of incitement to hatred and the broadcasting of false news and rumours that undermine security and public order. A total of 334 accused persons were acquitted of such charges. However, some cases were left pending because they comprised other crimes such as incitement to violence and vandalism involving assaults on persons and property.

8. Note was taken of the following recommendations:

114.95, 114.103.

9. The following recommendations are supported:

(a) 114.149, 114.150, 114.151, 114.152.

Citizenship has been granted to 335 children of Bahraini women married to non-Bahrainis pursuant to a Royal Decree issued in 2011. Act No. 35 of 2009 exempts children of Bahraini women married to non-Bahrainis from public fees and all kinds of taxes.

(b) 114.174.

The Bahraini Nationality Act complies with international standards. Decisions concerning the withdrawal and revocation of citizenship are based on Legislative Decree No. 20 of 2013 amending the provisions of Act No. 58 of 2006 on the Protection of Society from Terrorist Acts, which stipulates that, in addition to the prescribed penalty, a person convicted of certain offences defined in the Act concerning terrorism shall be deprived of his citizenship. Such cases may be reviewed at all levels of jurisdiction.

10. We have taken note of the following recommendations:

114.71, 114.173, 114.175, 114.176.

Rights of the child

11. We support the following recommendations:

114.44, 114.159, 114.160.

Act No. 37 of 2012 was issued to protect children from physical, psychological or sexual ill-treatment, as well as from neglect or economic exploitation, and to protect the child's life and safety. The National Committee on Childhood was established to develop national strategies to monitor children's needs and problems in cooperation with all official and competent bodies.

Persons with disabilities and vulnerable groups

12. We support the following recommendations:

(a) 114.132, 114.163, 114.164, 114.169.

Pursuant to Social Security Act No. 18 of 2006, monetary assistance is provided to widows, divorcees, abandoned women, families of prisoners, orphans, persons with disabilities and older persons. Programmes supervised by the Ministry of Health also provide health care as well as preventive and psychological care for persons with disabilities.

(b) 114.43, 114.162, 114.165, 114.166, 114.168.

Action to achieve the strategic objectives of the National Strategy for Persons with Disabilities is taken by increasing the number of beneficiaries of the financial, material and other services provided by Bahrain. The High Committee for the Welfare of Persons with Disabilities also provides for the integration, care, rehabilitation and employment of persons with disabilities in order to contribute effectively to the development process.

The Family Code

13. We support the following recommendations:

144.133, 114.153.

Family Code No. 19 of 2017, which was promulgated on 19 July 2017 and entered into force on 1 August 2017, met with a wide-ranging positive response from Bahraini social groups. It complies with the Kingdom's obligations under the Convention on the Elimination of All Forms of Discrimination against Women and represents a qualitative social advance in terms of familiarizing people with their rights and duties in respect of family affairs.

Implementation of all recommendations of the Bahrain Independent Commission of Inquiry

14. We support the following recommendations:

114.37, 114.58, 114.59.

Bahrain attached great importance to the report of the Bahrain Independent Commission of Inquiry and to the implementation of all its recommendations. It issued comprehensive reports specifying all steps taken by Bahrain and announced on 9 May 2016 that the process of implementing the recommendations had been completed.

National mechanisms and institutions for the protection and promotion of human rights

15. We support the following recommendations:

114.38, 114.39, 114.40, 114.41, 114.42, 114.83, 114.126, 114.129.

Legislative Decree No. 20 of 2016 amended the provisions of Act No. 26 of 2014 establishing the National Human Rights Institution with a view to ensuring that it complied fully with the Paris Principles. It was given more authority to assert its financial and administrative independence and to perform its functions freely, impartially and

independently. The Special Investigation Unit was established by Attorney General Decision No. 8 of 2012 as an independent and impartial mechanism for prosecuting government officials for the perpetration of unlawful acts or for dereliction of duty in cases of murder, torture and ill-treatment of civilians, given the obligation to fully implement the recommendations of the Bahrain Independent Commission of Inquiry. The Office of the Secretary-General for Grievances is fully independent in both financial and administrative terms, as confirmed by Decree No. 27 of 2012 and amended Decree No. 35 of 2013.

Strengthening of national unity

16. We support the following recommendations:

(a) 114.56.

The National Dialogue Conference was held in July 2011 and the national dialogue was consistent with the governmental and community approach, since the Government has continuously emphasized that it should involve all sectors of Bahraini society. The dialogue was supported by consensus on basic principles that resulted in broad popular participation.

(b) 114.60, 114.61.

Bahrain has organized a number of events aimed at strengthening national cohesion and bolstering the principles of peaceful coexistence, including the national campaign to strengthen national unity and cohesion based on the slogan "Unity Unity".

Combating human trafficking

17. We support the following recommendations:

114.85, 114.86, 114.88, 114.89, 114.90, 114.91, 114.92, 114.93.

The National Committee to Combat Trafficking in Persons was created by Decree No. 1 of 2008. It works in coordination with the competent authorities to develop plans and programmes on preventing and combating trafficking in persons and providing assistance for victims.

Employment and occupational equality

18. We support the following recommendation:

114.131.

A Vacancy Information Centre has been established to receive applications from persons seeking employment in government agencies and to nominate them for vacant posts with a view to ensuring equality of opportunity for all persons seeking employment in the public sector.

Enhanced protection for migrant workers

19. We support the following recommendations:

114.154, 114.170, 114.171, 114.172.

Bahrain has developed a national plan on the employment of foreign workers comprising a strategy and public policy that comply with international treaties and conventions. The Labour Market Regulatory Authority, which was established pursuant to Act No. 19 of 2006, is tasked with protecting the rights of migrant workers, organizing work permits for foreign employers, and raising workers' and employers' awareness of their rights and duties, work ethics and values, as well as occupational and environmental safety.

International human rights treaties and mechanisms

20. We support the following recommendations:

114.4, 114.17.

A Commission for the Rights of Prisoners and Detainees was established by Royal Decree No. 61 of 2013, taking into account the principles enshrined in the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It acts as an effective national preventive mechanism, performing its functions freely, impartially, transparently and in a fully independent manner.

21. Note has been taken of the following recommendations:

(a) 114.1, 114.8.

Bahrain reaffirms its aspiration to implement the Convention on the Elimination of All Forms of Discrimination against Women. Legislative Decree No. 70 of 2014 amending certain provisions of Legislative Decree No. 5 of 2002 rephrases some of the country's reservations to the Convention. It states that Bahrain is committed to implementing the provisions of articles 2, 15 (4) and 16 of the Convention without breaching the provisions of the Islamic sharia.

(b) 114.2, 114.3.

The position of Bahrain on this matter has not changed. The death penalty is imposed only in limited cases involving serious and grievous crimes. The Criminal Code permits the death penalty to be commuted to life imprisonment or imprisonment for a shorter period if the offence is committed in circumstances meriting commutation of the sentence.

(c) 114.5, 114.6.

A Commission for the Rights of Prisoners and Detainees has been established, as stated in the response to recommendations 114.4 and 114.17.

(d) 114.7, 114.9, 114.10, 114.11, 114.15, 114.16.

(e) 114.12, 114.13, 114.14, 114.18.

Bahrain participates as an observer in the Assembly of States Parties to the Rome Statute of the International Criminal Court and has attended all conferences of the Assembly of States Parties since the Kampala Conference in 2010.

Cooperation with the United Nations and the international community

22. We support the following recommendations:

114.19, 114.20, 114.21, 114.22, 114.23, 114.26, 114.27, 114.31, 114.32, 114.33, 114.55.

Bahrain is committed to the principles of cooperation and dialogue with United Nations bodies in a spirit of transparency and openness with a view to promoting and protecting human rights and fundamental freedoms at the national and international level by providing humanitarian assistance and participating in relevant international conferences. Bahrain continues to cooperate with OHCHR. It responds to urgent appeals, questions and inquiries from special procedures, submits periodic reports to the treaty bodies, and cooperates with many international NGOs for purposes of communication and protection of human rights.

23. Note has been taken of the following recommendations:

(a) 114.24, 114.25, 114.28, 114.29, 114.34.

Reference was made to cooperation in paragraph 22.

(b) 114.30.

Bahrain is determined to provide the requisite legal means to ensure the criminal and disciplinary accountability of anyone suspected of committing acts of torture or cruel or degrading treatment. In compliance with the recommendations of the Bahrain Independent Commission of Inquiry, the Public Prosecution Service has reaffirmed its intention to punish any acts of torture or cruel or degrading treatment in accordance with the law,

utilizing available material means and ethical procedures to conduct an independent investigation in accordance with international standards.

The Constitution and domestic legislation

24. We support the following recommendations:

(a) 114.35.

Bahrain aspires to enact a set of laws that will align its legislation with international standards, particularly those pertaining to human rights and justice.

(b) 114.105, 114.106, 114.108, 114.110, 114.120.

Legislative Decree No. 47 of 2002 regulating the press, printing and publications guarantees the right to express opinions and to disseminate them orally, in writing or by any other means, in accordance with the conditions laid down by law, without prejudice to the principles of the Islamic faith and national unity, and in a manner that does not cause social or sectarian strife. Persons exercising this right must ensure respect for other persons and their reputation, and they should not undermine national security, public order, or public welfare and morals, in accordance with article 19 of the International Covenant on Civil and Political Rights.

(c) 114.161.

A comprehensive bill on juveniles is about to be completed by the executive. It will address many issues, including raising the age of majority from 15 to 18 years, and developing measures to deal with juveniles in accordance with their age. The age of majority will therefore be consistent with the age of the child under Bahraini law (article 4 of Act No. 37 of 2012) and with article 1 of the United Nations Convention on the Rights of the Child.

25. Note has been taken of the following recommendations:

114.36, 114.111.

Human rights education, training and awareness-raising

26. We support the following recommendations:

(a) 114.45, 114.46, 114.47, 114.48, 114.53, 114.54.

Bahrain continues to spread a culture of citizenship and human rights by promoting cultural awareness through the media and through educational curricula that include values, concepts and skills based on freedom, respect for pluralism, coexistence, acceptance of others, tolerance and other principles. With regard to higher education establishments, a decision was issued in 2013 requiring educational establishments to adopt human rights as a compulsory course in curricula for a bachelor's degree.

(b) 114.49, 114.50, 114.51, 114.52, 144.125.

The Ministry of the Interior has an outstanding record of human rights training for all its members. The Ministry of Justice, in coordination with the Supreme Judicial Council, pays special attention to training programmes on international human rights standards and on the procedures for implementing such standards and for protecting human rights.

Women and gender equality

27. We support the following recommendations:

114.73, 114.134, 114.135, 114.136, 114.137, 114.138, 114.139, 114.140, 114.141, 114.142, 114.143, 114.144, 114.145, 114.146, 114.147, 114.148, 114.155, 114.156, 114.157, 114.158.

Gender equality in political, social, cultural and economic spheres is guaranteed by article 5 (b) of the Constitution. Since its establishment in 2001, the Supreme Council for Women has been operating within an institutional framework based on the terms of reference established by royal edict, which include, in particular: submission of proposed

amendments to existing legislation on women; submission of opinions on draft laws and regulations and the decisions pertaining thereto before they are forwarded to the competent authority; recommendation of draft legislation and decisions aimed at enhancing women's status; and monitoring the implementation of international legislation, resolutions and treaties concerning women.

Combating racial discrimination and intolerance

28. We support the following recommendations:

114.62, 114.63.

Bahrain is adopting executive and judicial measures to prevent incitement to sectarianism, violence and national, religious or racial hatred in various fields.

Sustainable development

29. We support the following recommendations:

114.64, 114.65, 114.66, 114.67.

Bahrain is taking diverse measures to implement the Agenda 2030 Sustainable Development Goals, including major steps to diversify its economy, to increase productivity, to raise living standards and to provide employment opportunities for its citizens.

Combating terrorism

30. We support the following recommendations:

114.69, 114.72.

31. Note has been taken of the following recommendation:

114.68.

All civil and military courts hold their judicial proceedings in public, and they have courts of appeal and courts of cassation. In addition, all defendants' rights are safeguarded by national legislation and the Constitution. The expansion of military operations within and outside the country and the growing threat of terrorism, which jeopardizes the stability of the region as a whole, require an expansion of the jurisdiction of military courts. As article 105 of the Constitution only permitted such expansion when martial law was declared, the article was amended to permit the legal expansion of jurisdiction without resorting to the declaration of martial law and without suspending the Constitution. This expansion of jurisdiction permits the prosecution of unlawful combatants and persons who engage in armed violence against our nation.

Human rights defenders and non-governmental organizations

32. We support the following recommendations:

114.57, 114.70, 114.97, 114.98, 114.99, 114.119, 114.124.

Freedom of opinion and expression is guaranteed by the Constitution and national legislation and in all the media. The only restrictions are those based on the professional and ethical precepts enshrined in the Constitution, the law, and local and international instruments applicable to the press and the media, which prohibit incitement to sectarianism or to religious, racial or denominational hatred, or rhetoric that threatens national security and public order, infringes the rights, reputation and dignity of others or violates public morals or human rights principles. The competent authorities in Bahrain have not taken criminal action against any natural or legal person for engaging in political, rights-related or social activities. As criminal liability is determined in accordance with the law, nobody is charged unless there is clear evidence that he has committed an offence defined by law.

Freedom of opinion and expression and of political association

33. We support the following recommendations:

(a) 114.96, 114.101, 114.109, 114.115, 114.116, 114.122, 114.123.

Bahrain is taking all possible steps to support the principle of respect for the law, to promote citizenship based on coexistence, tolerance and respect for others, and to create a democratic environment conducive to political activity. Political associations are disbanded solely by the judiciary on the basis of court rulings in cases involving associations which engage in practices that undermine the principles and foundations of the State. This is evidenced by the judgments handed down against associations that have been disbanded. They state that the associations persistently challenged the legitimacy of the Constitution, supported violence, and conspired with those convicted of incitement to hatred of the Government, calling for its overthrow and insulting the judiciary. Other associations supported terrorism and violence by praising those convicted of bombings and terrorist killings that resulted in the death of security officers, and by supporting parties convicted of incitement to violence.

(b) 114.104, 114.107.

The press and electronic media bill has been finalized with the participation of local partners representing press institutions and relevant civil society organizations. It promotes the freedom and independence of newspapers and electronic media institutions, in line with international norms, particularly the International Covenant on Civil and Political Rights. It also prohibits incitement to violence or hatred, threats to national security and public order, infringement of the rights, reputation and dignity of others, and violations of public morals.

(c) 114.113, 114.114, 114.117, 114.118.

Legislative Decree No. 47 of 2002 guarantees journalists the right to practise their profession without prior supervision as well as equality of opportunity. It also guarantees journalists access to information and news from their sources, and prohibits the imposition of restrictions on the flow of such information or attempts to compel journalists to disclose their sources of information. Personal exposure to abuse, slander or defamation and incitement to crime are criminalized. It should be noted that no journalists have been detained or imprisoned for practising their profession in accordance with the relevant legislation.

34. Note has been taken of the following recommendation:

114.121.

The death penalty

35. We support the following recommendation:

114.78.

This penalty is imposed for a limited number of criminal offences. The Criminal Code permits the death penalty to be commuted to life imprisonment or imprisonment for a shorter period if the offence is committed in circumstances meriting commutation of the sentence.

36. Note has been taken of the following recommendations:

114.74, 114.75, 114.76, 114.77.

Kindly refer to the response to recommendations 114.2 and 114.3.